

main determinant of the time it takes to run the model.¹⁶¹ US West asserts that it was necessary to mask the output reports to protect proprietary data.¹⁶²

55. MCI dismisses US West's comments as an unfounded attack on its credibility. MCI further responds that to focus exclusively on the features module, as US West suggests, would ignore about two-thirds of the variables in SCM over which US West has control.¹⁶³ MCI also contends that limiting its analysis to one or two central offices would probably not produce representative results, and would probably not shorten the amount of time needed to conduct its analysis.¹⁶⁴ In addition, MCI disagrees that the feature which would have enabled MCI to select switching locations based on common characteristics would have been "of no practical value," because it would have enabled MCI to select all host or remote switches.¹⁶⁵ MCI also argues that, if the feature were truly valueless, then US West would have had no legitimate basis for removing it.¹⁶⁶

56. Discussion. As we determined above, the procedures adopted by the Bureau did not preclude intervenors from participating adequately in the investigation. We find below that US West implemented those procedures in a reasonable fashion, and that MCI overstates the burdens it found in its redacted SCM review.

57. As an initial matter, MCI's claim that US West refused to provide the SCM documentation it requested is inaccurate. MCI informed the Bureau that US West did provide that information to MCI on April 19, 1995, and on April 26, the Bureau extended the date for filing oppositions so that MCI and other intervenors could examine the model further in light of this documentation.¹⁶⁷ Second, we have found in prior Orders that disclosure of input ranges on display screens, and access to US West's inputs, as MCI requested in its March 17 Letter, might enable MCI to derive proprietary vendor information.¹⁶⁸ Finally, Commission

¹⁶¹ Id. at 11.

¹⁶² Id. at 10.

¹⁶³ August 4 Letter at 2-3.

¹⁶⁴ August 4 Letter at 3.

¹⁶⁵ Id. at 4.

¹⁶⁶ Id. at 4.

¹⁶⁷ Open Network Architecture Tariffs of US West Communications, Inc., CC Docket No. 94-128, 10 FCC Rcd 5694 (Com. Car. Bur., Tar. Div., 1995) (Extension of Time Order).

¹⁶⁸ See ONA Investigation Reconsideration Order, 10 FCC Rcd at 1622 (para. 18); SCIS Disclosure Review Order, 9 FCC Rcd at 181 n.16.

staff input the same set of data in our redacted and unredacted versions of SCM, and obtained the same results from each. Therefore, we conclude that nothing has been removed from the model that would cause the outputs to vary from the unredacted model.

58. During MCI's review of the redacted SCM model, it received two "fatal error" messages. US West explained the source of those errors, both to MCI and in its pleadings, and quickly revised the model so that "fatal errors" would not recur. US West also made those revisions to the redacted SCM model provided to the Commission. As we stated above, we found that the redacted and unredacted SCM models produce the same results. Thus, MCI's concerns that the redaction process might have caused the redacted SCM to produce results different from those produced by the unredacted SCM are unfounded.

59. We agree with MCI that it would be unreasonable to expect intervenors to ignore the effects of changes in core data on SCM outputs. Nevertheless, we agree with US West to the extent it argues that MCI should have known that conducting sensitivity analyses on a switch-by-switch basis would be unlikely to be the most efficient method of examining SCM. MCI states that it adopted its switch-by-switch approach because it was concerned that US West would argue that basing its sensitivity analyses on a single switch would not necessarily be representative of all the switches in US West's service area for the purposes of conducting sensitivity analyses.¹⁶⁹ MCI has not explained, however, why this argument compels it to conduct sensitivity analyses on all of US West's switches, one at a time. Specifically, MCI could have selected a relatively small random sample and be confident within a low margin of error that the effects of changes in the random sample on SCM outputs would be representative of the effects of those changes in all of US West's switches. We find that such a sample of switches would be sufficient to determine whether changes in a given input or set of SCM inputs has a reasonable or unreasonable effect on SCM outputs.¹⁷⁰ Although it would take a few more minutes to input changes for this random sample of switches than it would for one switch, these few minutes would be sufficient to conduct one sensitivity analysis; i.e., to examine how changes in one model input or set of inputs affect model outputs.¹⁷¹ Thus, MCI inaccurately asserts that it would take several hours or days to conduct one sensitivity analysis, or that it would take 27 to 37 weeks to conduct a reasonable review of SCM.

¹⁶⁹ MCI Opposition at 18-19; August 4 Letter at 3.

¹⁷⁰ We do not find, however, that this level of precision would be sufficient for LECs to use when developing ONA rates. As we discussed above, and in the ONA Final Order, we expect LECs establishing ONA rates to include all the switches in their service area for their model offices, unless they have a good reason for using fewer switches. See ONA Final Order, 9 FCC Rcd at 447-48 (paras. 16-18).

¹⁷¹ We defined sensitivity analyses initially in the ONA Final Order, 9 FCC Rcd at 470 (para. 80).

60. With respect to the feature that would have permitted intervenors to select switching locations based on common characteristics, we find US West's removal of this feature was not inconsistent with the instructions set forth in the US West ONA Designation Order. In that Order, the Bureau stated that the redacted SCM model should "at minimum enable intervenors to examine the effects on SCM outputs of changes in SCM inputs to the same extent as was possible with SCIS Redaction II, used in the first ONA investigation."¹⁷² We find that US West's redacted SCM met this standard. Furthermore, on March 17, 1995, the Bureau extended the pleading cycle in this investigation.¹⁷³ The Bureau did this in part to account for the fact that one sensitivity analysis using redacted SCM requires more time than a sensitivity analysis using redacted SCIS. Thus, removal of this feature did not preclude MCI from participating in this investigation.

61. Finally, MCI has not made a convincing showing that its review of redacted SCM was as difficult as it claims. First, as we noted above, MCI did not acknowledge that US West provided MCI with the documentation it requested. Second, MCI's claim that each redacted SCM run required 12 to 15 minutes is inconsistent with the documentation of each run it provides in Appendix B of its opposition. In Appendix B, MCI reports the amount of time it spent "setting up" and "running" each central office.¹⁷⁴ MCI reports that it took about one or two minutes to "set up" each office that did not have any remote switches, and about three minutes to "run" each of those offices. For offices with remotes, MCI appears to have spent an average of about one minute per remote to "set up" those offices, and three to five minutes to "run" the offices, including the remotes. The total "set-up" and "run" times thus are less than MCI's claims for the times needed to review a changed variable at a switching location. Thus, we question the accuracy of MCI's claims on this issue. Our doubts are based not on US West's reply, but on inconsistencies in MCI's opposition. In view of these inconsistencies, we find MCI's claims of hardship in its redacted SCM review to be overstated and unpersuasive.

62. In summary, we find that US West did not place unreasonable conditions on intervenors reviewing the redacted SCM model, and consequently, did not preclude intervenors from participating adequately in the investigation.

¹⁷² US West ONA Designation Order, 9 FCC Rcd at 6714 (para. 20).

¹⁷³ See Public Notice, Tariff Division Revises Pleading Cycle in US West ONA Investigation, 10 FCC Rcd 5093 (Com. Car. Bur., Tariff Div., 1995).

¹⁷⁴ MCI defines "setup" time include the selection of the office location, calculation of the revised value for the selected variable, and the change of the variable value. MCI defines "run" time to include only the time needed for the redacted model to process the change after the "calculate and save" command has been executed. MCI Opposition, App. B at 1 n.1.

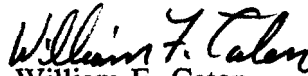
V. ORDERING CLAUSES

63. Accordingly, IT IS ORDERED that the investigation and accounting orders imposed by the Common Carrier Bureau in CC Docket No. 92-91 IS TERMINATED, with respect to US West Communications, Inc.

64. IT IS FURTHER ORDERED that the investigation and accounting orders imposed by the Common Carrier Bureau in CC Docket No. 94-128 IS TERMINATED.

65. IT IS FURTHER ORDERED that the Application for Review filed by MCI Telecommunications Corporation IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Secretary